



UNITED STATES
PATENT AND
TRADEMARK OFFICE

AUG 8 2003

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY
AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
PO BOX 1450, ALEXANDRIA, VA 22313-1450
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ALLEN R. BAUM
BURNS, DOANE, SWECKER & MATHIS, L.L.P.
P.O. BOX 1404
ALEXANDRIA VA 22313-1404

#27

In re Application of :
Lawrence R. Green et al :
Serial No.: 09/506,430 : WITHDRAWAL OF ABANDONMENT
Filed: February 17, 2000 :
Attorney Docket No.: 033599-015 :

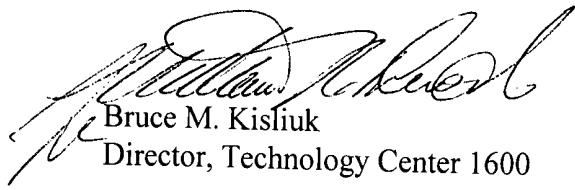
This is in response to the petition under 37 CFR 1.181, filed July 14, 2003, requesting revival of the above-identified application based on non-receipt of a Notice of Allowance and Issue Fee Due and Notice of Allowability.

A review of the file history shows that an Office action was mailed to applicants at the correspondence address of "Townsend and Townsend and Cres, Two Embarcadero Center, 8th Floor, San Francisco, CA 94111". On October 10, a reply was made by Sherry M. Carty of the firm of Burns, Doane, Swecker & Mathis. The last paragraph of page 5 of the reply states that they are the authorized representative of the current owner of the application and that a new assignment and power of attorney document are in preparation. However, no request to change the mailing address (or power of attorney) was included with the reply or subsequently filed until June 3, 2003. The examiner therefor mailed a new Office action to the addressee of record on December 10, 2002, setting a three month shortened statutory period for reply. When no reply was received, the application became abandoned by operation of law on June 11, 2003, although a Notice of Abandonment has yet to be mailed to applicants. Applicants' new attorney of record states that the Office action of December 10, 2002, was never received. However, it was mailed to the correspondence address of record (Townsend and Townsend and Crew) according to Office records. In order to show non-receipt of the Office action docket or mail log records of the previous attorney would have to be provided evidencing non-receipt. See M.P.E.P. 711.03(c).

Applicants' petition is **DISMISSED** for the reasons stated above without prejudice to applicants filing a renewed petition meeting the requirements of M.P.E.P. 711.03(c). Any renewed petition under 37 CFR 1.181 or 37 CFR 1.137 must be filed within TWO MONTHS of the mailing date of this decision in order to be considered timely.

The application will be forwarded to an appropriate storage facility.

Should there be any questions regarding this decision, please contact William R. Dixon, Jr., by mail addressed to Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (703) 308-3824 or by facsimile transmission at (703) 305-7230.



Bruce M. Kisliuk
Director, Technology Center 1600